

REMARKS

In response to the Office Action mailed April 9, 2001, Applicants respectfully request reconsideration. To further the prosecution of this application, Applicants submit the following remarks.

I. Interview Summary

Applicants wish to thank Examiners McLean and Robertson for their courtesy in granting and conducting a telephone interview, held on July 31, 2001, wherein the rejections and objections set forth in the Office Action were discussed.

Agreement was reached on the rejection of claims 56-58 under 35 U.S.C. §112, second paragraph, discussed below. Examiner McLean indicated that she had reconsidered this rejection, and that it would be withdrawn.

Also discussed was the rejection of claims 1-3, 5, 10-12, 19, 39-40, 46-48, 51-52, and 61 under 35 U.S.C. §103(a). Examiner McLean, along with Examiner Robertson, continued to assert the properness of the rejection set forth in the Office Action. Thus, no agreement was reached on this rejection.

II. Objections to Claims

a. Claim 64

In ¶2 of the Office Action, claim 64 is objected to under 37 C.F.R. 1.75(c) as being in improper dependent form. Claim 64 has been cancelled. Accordingly, the objection to claim 64 is now moot, and should be withdrawn.

b. Claim 67

In ¶3 of the Office Action, claim 67 is objected to as depending from a cancelled claim. Claim 67 has been amended to depend from claim 62, rather than the cancelled claim 61. Accordingly, Applicants respectfully request that the objection to claim 67 be withdrawn.

III. Rejection of Claims Under 35 U.S.C. §112, Second Paragraph

In ¶4 of the Office Action, claims 56-58 are rejected under 35 U.S.C. §112, second paragraph. In particular the Examiner states that the language of claim 56 is unclear. Applicants respectfully traverse this rejection.

As discussed in the Interview with Examiners McLean and Robertson, claim 56 recites a Markush group, a form of alternative expression discussed in MPEP §2173.05(h). Examiner McLean indicated that, upon reconsideration, she considered the alternative language in claim 56 to be acceptable, and that the rejection of claims 56-58 under 35 U.S.C. §112, second paragraph, would be withdrawn. Applicants thank Examiner McLean for her reconsideration of this matter.

IV. Rejection of Claims Under 35 U.S.C. §103(a)

In ¶s 7-17 of the Office Action, claims 1-32, 34-60, and 62-67 are rejected under 35 U.S.C. §103(a). Claim 64 is cancelled herein, rendering the rejection of this claim moot. Applicants respectfully traverse the rejection of claims 1-32, 34-60, 62-63 and 65-67 under 35 U.S.C. §103(a).

As discussed above, no agreement was reached during the 7/31/01 Interview with Examiners McLean and Robertson as to the properness of the claim rejections under 35 U.S.C. §103(a). Applicants continue to believe that the rejection under 35 U.S.C. §103(a) is improper for the reasons set forth in the Response to the Advisory Action filed December 22, 2000, which is incorporated herein by reference. Therefore, reconsideration of this rejection is again requested.


Conclusion

This application is believed to be in condition for allowance. A notice to this effect is respectfully requested.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicants hereby request any necessary extension of time. If there is a fee

occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to deposit account No. 23/2825.

Respectfully submitted,
ROBERT WILSON, et al.



Richard F. Giunta, Reg. No. 36,149
WOLF, GREENFIELD & SACKS, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2211
(617) 720-3500
Attorneys of Record

Docket No.: E0295/7021 RFG/MAB
Dated: August 6, 2001

MARKED UP CLAIMS

67. (Amended) The computer system of claim [61] 62, wherein the mirroring controller is distributed between the first and second storage systems.